



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(November 22, 2011 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-10-31 (James Troxell)
Staff: Derek Naber

Applicant: James Troxell
Property Size: 1.02 Acres
Current Zoning: AP (Agriculture: Preferred)
Location: 8382 East 25th Street, in Clay Township

Background Summary:

The applicant is proposing an addition to an existing pole barn for the storage of his camper and has indicated that the proposed variances are as follows:

- 1) A variance from Zoning Ordinance Section 6.1 (F)(2) is for the purpose of allowing an accessory structure ground floor area to exceed the ground floor area of a primary structure by 1520 square feet.
- 2) A variance from Zoning Ordinance Section 6.1 (E)(3) is for the purpose of allowing an accessory structure in the front yard.

Preliminary Staff Recommendation:

Variance 1: Denial, Criterion 3 has not been met.

If the Board of Zoning Appeals should choose to approve, it shall be subject to the following condition: A building permit shall be obtained from the Department of Technical Code Enforcement for the 600 square foot lean-to along the west side of the structure.

Variance 2: Denial, Criteria 2 and 3 have not been met.

Zoning Ordinance Considerations:

District Intent: The intent of the AP (Agriculture: Preferred) zoning district is as follows: To provide an area suitable for agriculture and agriculture-related uses. This district is further intended to preserve the viability of agricultural operations, and limit non-agricultural development in areas with minimal, incompatible infrastructure.

Residential development in this zoning district is intended to be limited. In no instance shall this zoning district be considered a large-lot residential zone. This district is further intended to protect the use and value of both agricultural and non-agricultural property within the community.

Development Standards: Zoning Ordinance Section 6.1 (F)(2) states that on any property of less than 2 acres the total lot coverage of accessory structures shall not exceed an amount equal to that of the ground floor area of the primary structure on that property.

Zoning Ordinance Section 6.1(E)(3) states that no accessory structure shall be permitted in the front yard.

Current Property Information:	
Land Use:	Single-Family Residential
Site Features:	The site features a house, pole barn, and a driveway.
Flood Hazards:	No flood hazards exist at this location.
Vehicle Access:	The property gains access from 25 th Street (Minor Arterial, Residential Rural).

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AP (Agriculture: Preferred)	Farm Land
South:	AP (Agriculture: Preferred)	Single-Family Residential
East:	AP (Agriculture: Preferred)	Single-Family Residential
West:	AP (Agriculture: Preferred)	Vacant Lot

Interdepartmental Review:	
Fire Inspector:	No issues with the request.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. James Troxell is proposing to add a 1020 square foot addition to his existing pole barn. This 30 foot by 34 foot addition would have a height of 14 feet. This addition is proposed to be located south of the existing structure in the front yard of the property. The existing pole barn which was built in 1999 is 1800 square feet. In 2009, a lean-to was added which is 600 square feet and with a new addition to the barn the total square footage would be 3420 square feet.
2. The property (1.02 acres) features a house which is currently 1900 square feet. Since the property is less than 2 acres, according to Zoning Ordinance Section 6.1(F)(2), the ground floor area of the accessory structure is not allowed to exceed the ground floor area of the primary structure. According to the proposal, the accessory structure ground floor area square footage (3420 square feet) would exceed the primary structure ground floor area square footage (1900 square feet) by 1520 square feet. This zoning requirement was added in order to preserve the residential character of properties.
3. According to Zoning Ordinance Section 6.1 (E)(3), no accessory structure is permitted in the front yard. The front yard, which is measured as the shortest horizontal distance from the nearest foundation of a building to the front lot line, currently features the pole barn encroaching 6 feet into this area. The proposal would extend the pole barn by an additional 34 feet into the front yard. While the existing pole barn is legally nonconforming, according to Zoning Ordinance Section 11.3 (B)(1),

no legal nonconforming structure shall be enlarged or altered in a manner than increases its nonconformity without the approval of a variance by the Board of Zoning Appeals.

4. The applicant has stated that the purpose of this new addition is to use it as a garage for his camper / RV which is 34 feet long and 12.5 feet tall. The existing pole barn is currently used as a home improvement work area, storage space and parking area for a daily used vehicle and a restored antique truck. The existing pole barn as is currently does not feature an entrance in terms of height (12 feet) which would allow the camper to enter.
5. The applicant has stated that the addition of the pole barn into the front yard is the best scenario, due to existing property limitations such as the mature trees, the location of the existing pole barn near the eastern property line and the location of his existing drive. This proposal would not require the removal of trees, affect the drainage onto his eastern neighbor's property or require a new driveway to be added. There is a drainage easement along the western property line of the subject property's eastern neighbor and the applicant has stated that a building closer to this easement would adversely affect his neighbor's drainage.
6. The applicant has also stated that by adding to the pole barn south of the existing structure, it would give the building a more uniform look compared to an addition to the east.
7. According to Zoning Ordinance Section 7.1 (Part 1)(D)(4)(b), all recreational vehicles shall be stored either behind or alongside the primary structure on the property. The current parking location of the camper, which is north of the existing drive, does in fact meet this requirement and is additionally not located within any minimum side or rear setback requirements.
8. The new addition would maintain a front setback of 65 feet from the planned right-of-way which would meet the minimum front setback requirement of the Zoning Ordinance (50 feet). The addition would also maintain a side setback of 20 feet from the eastern property line which meets the minimum side setback requirement of the Zoning Ordinance (5 feet).
9. In the surrounding context, there is only one out of twelve residential properties which feature an accessory structure in the front yard.
10. A 10 foot by 60 foot (600 square foot) structural lean-to which was added along the west side of the pole barn in 2009, never received a building permit from the Department of Technical Code Enforcement. This lean-to features a structural canopy which is supported by posts in the ground.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

Variance 1: A request from Zoning Ordinance Section 6.1 (F)(2) for the purpose of allowing an accessory structure ground floor area to exceed the ground floor area of a primary structure by 1520 square feet.

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: The added ground floor area for the pole barn which serves as a storage area for the camper will improve the appearance of the property because the camper will be stored in an interior area. *This criterion has been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: The added storage area for the pole barn will improve the appearance of the subject property by allowing the camper to be stored in an interior shelter and would not negatively affect surrounding properties. *This criterion has been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: There is no practical difficulty with the subject property that would demand the additional square footage added to the pole barn. The existing location of the camper is not in any violation with the Zoning Ordinance in terms of the location of recreational vehicle storage. *This criterion **has not** been met.*

Variance 2: A request from Zoning Ordinance Section 6.1 (E)(3) for the purpose of allowing an accessory structure in the front yard.

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: The new addition to the pole barn meets the minimum front and side setback requirements in the Zoning Ordinance, will not obstruct drainage, or cause any sight visibility issues. *This criterion has been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: The surrounding residential properties only feature one property out of twelve which has an accessory structure in the front yard. The pole barn addition will not match the surrounding context and will adversely affect the surrounding residential character. *This criterion **has not** been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: The subject property itself does not feature a practical difficulty which would demand the accessory structure in the front yard. The existing pole barn location results in the practical difficulty on the property. *This criterion **has not** been met.*

Board of Zoning Appeals Options:

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.